

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CLINT DESTINO,

Plaintiff,

v.

No. 20-cv-397-MV-GJF

CENTURION MEDICAL SERVICES, *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE’S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court *sua sponte* and on United States Magistrate Judge Gregory J. Fouratt’s Proposed Findings and Recommended Disposition (“PFRD”) [Doc. 17].

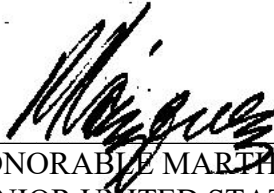
The PFRD recommended that the Court dismiss Defendants Murry F. Young, FNU Wise, George Stevenson, New Mexico Department of Corrections, and John Doe (Orthopedic Surgeon) because Plaintiff failed to provide proper addresses for the aforementioned defendants within thirty days of the Court issuing its Order to Answer. PFRD at 12-15; *accord* Doc. 8. The PFRD also notified the parties of their ability to file objections within fourteen days and warned them that the failure to file objections would waive appellate review. PFRD at 3. The fourteen-day deadline, including the additional three days accorded under Federal Rule of Civil Procedure 6(d) to those who receive service by mail, has now expired without any party filing objections. Upon review of the record, the Court concurs with the PFRD.

The Tenth Circuit has held that “a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The parties’ failure to timely object to the Magistrate Judge’s Proposed

Findings and Recommended Disposition waives appellate review of both factual and legal questions. *In re Key Energy Res. Inc.*, 230 F.3d 1197, 1199–1200 (10th Cir. 2000); *One Parcel of Real Prop.*, 73 F.3d at 1059.

IT IS THEREFORE ORDERED that:

- (1) The PFRD (Doc. 17) is **ADOPTED**;
- (2) Defendants Murry F. Young, FNU Wise, George Stevenson, New Mexico Department of Corrections, and John Doe (Orthopedic Surgeon) are **DISMISSED**;
- (3) Plaintiff shall keep the Court advised of any changes in Plaintiff's mailing address.



HONORABLE MARTHA VÁZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE